

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMAR ANTONIO BEAVER, )  
Petitioner, ) CASE NO. C08-0430-JCC  
v. )  
BRUNO STOLC, ) ORDER RE: PENDING MOTION  
Respondent. )

This is federal habeas action brought under 28 U.S.C. § 2254. On the same date as this Order, this Court issued a Report and Recommendation recommending that petitioner's federal habeas petition be denied and this action be dismissed with prejudice. Two additional motions remain pending on this Court's calendar and will be addressed. This Court, having reviewed the pending motions, does hereby find and ORDER as follows:

(1) Respondent's motion to expand the state court record to add a transcript of the closing arguments and the superior court's finding of fact and conclusions of law (Dkt. 41) is GRANTED.

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01 (2) Petitioner's motion to stay his petition (Dkt. 44) is STRICKEN. On January 4,  
02 2010, petitioner filed a motion requesting that the instant action be stayed pending resolution by  
03 the Washington Supreme Court of a case involving a double jeopardy issue similar to two of  
04 those raised by petitioner in these proceedings. (See Dkt. 44.) Respondent opposed the  
05 requested stay. (See Dkt. 45.) Before the Court could rule on petitioner's motion to stay the  
06 instant petition, the Washington Supreme Court issued its opinion in the case upon which the  
07 stay request was based. (See Dkt. 48.) Petitioner's motion to stay his petition is therefore  
08 moot.

09 (3) The Clerk shall direct copies of this Order to all counsel of record and to Judge  
10 Theiler.

11 DATED this 15th day of April, 2010.

 Maebelle D. H. Johnson

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Mary Alice Theiler  
United States Magistrate Judge